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IV 2422993

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IV 2422993

COMPLAINANT: [redacted] #[redacted] Deputy Sheriff Generalist

SUBJECT: Patrick Mendoza, [redacted], Deputy Sheriff Generalist

DATES OF INCIDENT: February 27, 2017- March 6, 2017

LOCATION: 441 Bauchet Street
Los Angeles, CA 90012

ALLEGATIONS:

The alleged acts of harm regarding **Subject Patrick Mendoza** are as follows:

3-01/121.15 – POE – Sexual Harassment

3-01/121.30 – POE – Inappropriate Conduct Toward Others (Based on Sex/Gender)

The alleged acts included possible violations of the Department's Manual Policy and Procedures, which are as follows:

3-01/030.05 – MPP – General Behavior

3-01/030.06 – MPP – Disorderly Conduct

3-01/030.10 – MPP – Obedience to Laws, Regulations, and Orders

3-01/030.15 – MPP – Conduct Toward Others

It is alleged on February 27, 2017, while working out inside the Men's Central Jail (MCJ) gymnasium, Subject Patrick Mendoza made inappropriate comments to Complainant [redacted] regarding her anatomy and his desire to have sexual intercourse with her. Within minutes of those comments, Subject Mendoza exposed his genitals to Complainant [redacted] On March 4, 2017, it is alleged Subject Mendoza told co-workers, he exposed himself to Complainant [redacted] The incidents were reported to the Intake Specialist Unit (ISU) by MCJ Lieutenant Anthony Haynes [redacted] on March 6, 2017, via Policy of Equality (POE) Report/Notification Form, #17-053 **[EXHIBIT A]**.

EQUITY RELATED TRAINING FOR SUBJECT:

Subject Patrick T. Mendoza

On February 3, 2011, and March 6, 2012, **Subject Mendoza** signed Policy of Equality Acknowledgement Receipt forms. On July 2, 2010, and November 5, 2012, **Subject Mendoza** attended the Department's Respect Based Leadership training. Refer to training records and Policy of Equality Acknowledgement Receipt forms **[EXHIBIT B]**.

INVESTIGATION:

The following narrative is intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcriptions.

Complainant [redacted]

On December 18, 2017, Internal Affairs Bureau (IAB) Sergeants Delicia Hernandez [redacted] and Chastity Phillians [redacted] interviewed **Complainant** [redacted] On February 22, 2018, Sergeants Delicia Hernandez and Chastity Phillians conducted a second interview of Complainant [redacted] The following is a summary of Complainant [redacted] interviews:

Complainant [redacted] was assigned to MCJ in September of 2015. She trained for two months on day shift, assigned to the 2000 Floor. Simultaneously, Subject Mendoza trained at MCJ on the 2000 Floor with Complainant [redacted] and was assigned to a housing module adjacent to Complainant [redacted]

Complainant [redacted] met Subject Mendoza at this assignment and had a professional working relationship with him. She has never known Subject Mendoza on a personal level. Complainant [redacted] did not associate with Subject Mendoza outside of work. They have never exchanged personal telephone numbers with one another, nor have they ever engaged in a personal relationship with one another. Their contact has been strictly professional at work, absent of any work related problems or conflict.

While on training, Complainant [redacted] and Subject Mendoza occasionally assisted one another with work. Complainant [redacted] approximated their assignment on the 2000 Floor lasted three to four months.

> **IAB NOTE:** At the time of the alleged incident, February 27, 2017, Complainant [redacted] and Subject Mendoza were assigned to MCJ for approximately one year and eight months, but only worked together several times within that time period.

Complainant [redacted] completed [redacted] at MCJ, and transferred to PM shift to accommodate her school schedule. At times when scheduled work days followed her class schedule, Complainant [redacted] arrived at MCJ early and worked out inside the MCJ gymnasium prior to the start of her scheduled PM Shift.

IAB NOTE: MCJ PM shift start time begins at 1400 and ends at 2200 hours.

On February 27, 2017, Complainant [redacted] arrived at the MCJ gymnasium to workout prior to her PM Shift. Complainant [redacted] estimated she arrived to MCJ just prior to 1300 hours.

When Complainant [redacted] entered the gymnasium, Subject Mendoza was working out at the lateral pull down machine. Subject Mendoza immediately commented, "Hey [redacted] Wow, your ass looks great in those pants. I've never seen you out of uniform. Your ass looks great." Complainant [redacted] explained she was shocked by Subject Mendoza's comment and did not know how to respond **[COMPLAINANT [redacted] IAB TRANSCRIPTS, PAGE 8]**. Complainant [redacted] stated she tried to laugh off Subject Mendoza's comments and said, "Oh, thanks, I've been working out." Refer to Complainant [redacted] ICIB interview **[EXHIBIT C, PAGE 53].**

Complainant [redacted] stated she was very uncomfortable and shocked by Subject Mendoza's comments. As she tried to process the situation, Subject Mendoza made the same comment a second time. Complainant [redacted] placed her headphones on her ears to listen to music as she began her workout. Complainant [redacted] stated she believed that if she ignored Subject Mendoza, and did not respond to his comments, he would stop talking to her.

During her workout, Complainant [redacted] noticed Subject Mendoza was talking to her again, but she could not hear what he said because she was listening to music via her earphones. Complainant [redacted] removed her earphones and asked Subject Mendoza what he had said. Subject Mendoza told Complainant [redacted] "Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass." **[COMPLAINANT [redacted] IAB TRANSCRIPTS, PAGE 10]**. At the time of the comment, Complainant [redacted] stated Subject Mendoza was standing approximately 10-15 feet away from her, and approximately 5 feet from the sauna door.

IAB NOTE: The MCJ sauna is non-functional, located inside the gymnasium and accessible from the gymnasium via a door.

Complainant [redacted] continued her workout, alternating between the free weights and weight machines. As she began a workout on the cable row machine, she removed her earphones to complete the exercise. Complainant [redacted] heard Subject Mendoza say, "Hey [redacted] When Complainant [redacted] turned toward Subject Mendoza, he pulled down his basketball shorts below his genitals with his left hand, and exposed his genitals to Complainant [redacted] Subject Mendoza did not say anything, and only smiled at Complainant [redacted] Complainant [redacted] immediately turned away and told Subject Mendoza she did not want to see that.

IAB NOTE: Subject Mendoza was standing in front of the sit up bench. Refer to the MCJ gymnasium photographs located in the Internal Criminal Investigation Book **[EXHIBIT C, PAGES 24-25]**.

Complainant [redacted] stated she continued to work out for a few minutes when Subject Mendoza approached her and gave her advice on her workout form and technique. He told Complainant [redacted] he was scheduled to work the 4000 Floor on PMS. Complainant [redacted] stated she thanked him for the advice and ended her workout within a couple of minutes.

IAB NOTE: The MCJ PM In-Service for February 27, 2017, showed Subject Mendoza was assigned overtime on the 4000 Floor for PM shift, in the 4700 Module. Refer to the PM In-Service **[MISCELLANEOUS DOCUMENTS]**.

Complainant [redacted] stated the situation was weird and uncomfortable and it caused her to end her workout early. Complainant [redacted] was shocked and offended by Subject Mendoza's statements and behavior, and she did not know how to respond to his behavior as she processed it through her mind. She considered reporting the incident, but she was reluctant as she considered the consequence of coming forward. Complainant [redacted] believed if she reported the incident, she would be labeled as a "rat" and no one would want to work with her anymore **[COMPLAINANT [redacted] IAB TRANSCRIPT, PAGE 19]**.

IAB NOTE: The Urban Dictionary defines the term "rat" as a snitch, or one who tattles.

After Complainant [redacted] workout, and prior to the start of her PM shift on February 27, 2017, she telephoned a co-worker, Witness Deputy [redacted] who was en route to MCJ for work. Complainant [redacted] confided with Witness [redacted] about her encounter with Subject Mendoza inside the MCJ gymnasium, and how he exposed his genitals to her. She explained she was not sure how to handle the situation, and they discussed her options of reporting the incident, or not, and the consequences of her decision.

IAB NOTE: Complainant [redacted] clarified Witness [redacted] did not attempt to sway her from reporting the incident, they only discussed the possible scenarios of reporting the incident.

On March 4, 2017, Complainant [redacted] Witness [redacted] Witness Deputy [redacted] and Subject Mendoza were all assigned to the 3000 Floor on PM shift. At the beginning of their shift, Witnesses [redacted] [redacted] and Complainant [redacted] were sitting inside the 3000 Control Booth when Subject Mendoza walked in. Subject Mendoza initiated a conversation with the three deputies inside the control booth regarding the incident which occurred inside the MCJ gymnasium involving Complainant [redacted] and himself. He prompted Complainant [redacted] to tell them (Witnesses [redacted] and [redacted] what happened inside the gym.

Complainant [redacted] stated she did not want to discuss the incident and was uncomfortable and angry by the fact it was being brought up by Subject Mendoza. Subject Mendoza then stated, "I showed her my nuts!" Complainant [redacted] stated she was upset by the conversation, but played it off as nothing. She responded by confirming that Subject Mendoza exposed his genitals to her.

After Subject Mendoza left the control booth, Complainant [redacted] confided in Witness [redacted] that she was not cool with what Subject Mendoza did inside the gym, and he was lucky that she was not the type of female that would report him. Witness [redacted] asked Complainant [redacted] if she would like him to speak to Subject Mendoza and advise him not to bring up the subject again. Complainant [redacted] stated she would.

Later during their PM shift, Witness [redacted] informed Complainant [redacted] he spoke with Subject Mendoza about the incident and told him not to mention the gymnasium incident again to Complainant [redacted] Subject Mendoza agreed not to speak about the incident again.

Complainant [redacted] stated between March 4, 2017, and March 6, 2017, approximately 4-5 deputies approached her and inquired about what had happened between her and Subject Mendoza inside the MCJ gymnasium. Complainant [redacted] stated these deputies appeared confused about what they had heard, which was that Complainant [redacted] was flirting with Subject Mendoza inside the gymnasium and provoked the incident by sticking her buttocks out during her workout. Complainant [redacted] stated she was very upset by the rumors she heard.

IAB NOTE: During Complainant [redacted] IAB interview, she could not remember the names of the deputies who approached her and inquired about the gymnasium incident.

Complainant [redacted] believed Subject Mendoza was spreading fabricated rumors about her. She believed the rumors caused other co-workers to question her character. Complainant [redacted] stated the situation was emotionally upsetting, and she cried herself to sleep at night. On March 6, 2017, Complainant [redacted] decided to report the entire incident to MCJ Sergeant Lisa Diaz [redacted]

IAB NOTE: Complainant [redacted] initial statements to Sergeant Diaz regarding the incident with Subject Mendoza were consistent with her ICIB and IAB interviews. Refer to Sergeant Diaz' ICIB interview **[EXHIBIT C, PAGES 26-44]**.

IAB NOTE: MCJ Sergeant Michael Hernandez [redacted], completed a criminal complaint report file #017-000408-5100-130. The Internal Criminal Investigation Bureau was notified of the incident and a criminal investigation was initiated. Refer to the Criminal Investigation book, File #917-00012-2003-441**[EXHIBIT C]**.

Witness [redacted]

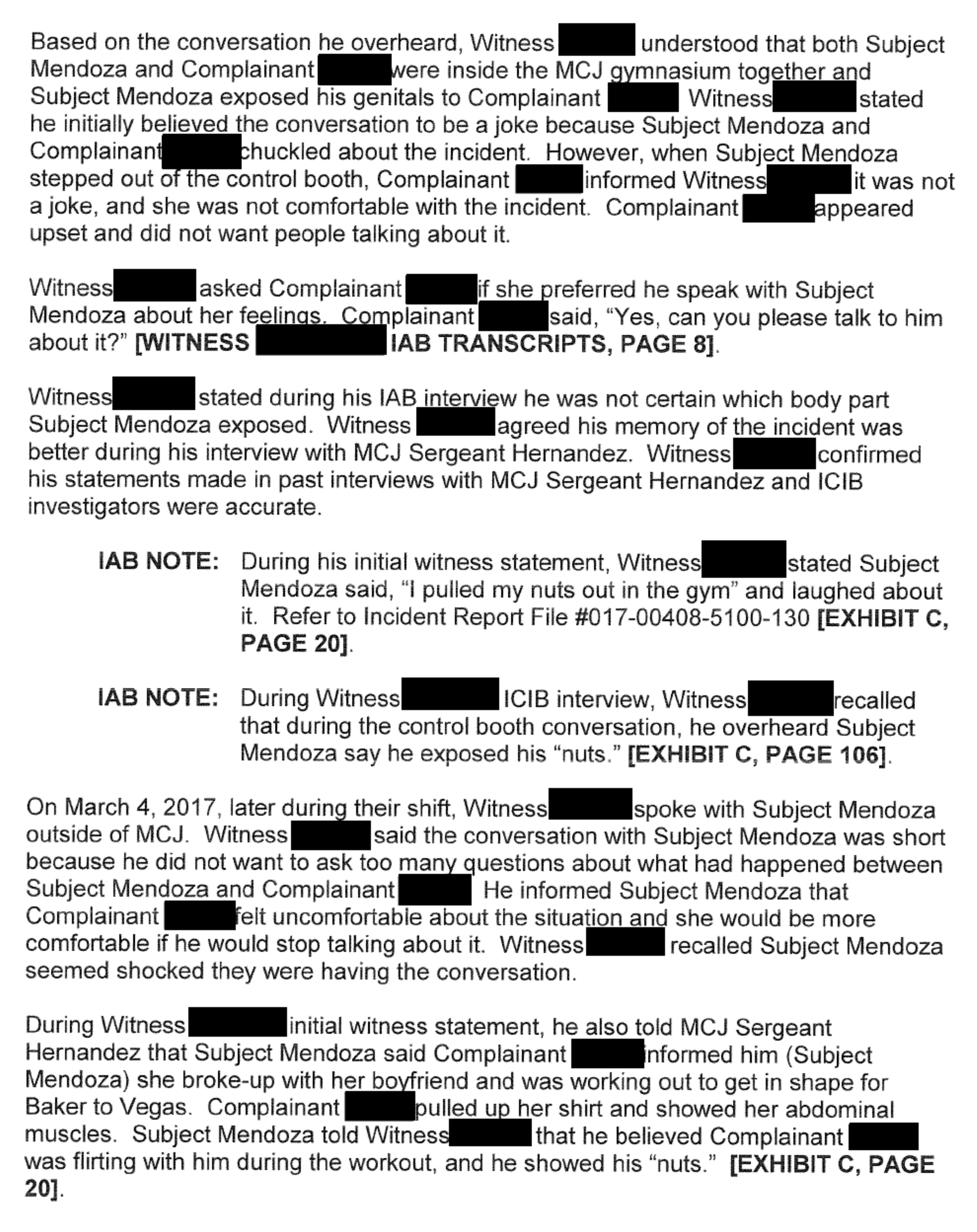
On January 30, 2018, IAB Sergeants Delicia Hernandez and Carmen Arballo [redacted] interviewed **Witness** [redacted]. On February 8, 2018, Sergeant Delicia Hernandez conducted a second interview of Witness [redacted] The following is a summary of Witness [redacted] interviews:

Witness [redacted] is assigned to MCJ, and has worked there for approximately nine years. Witness [redacted] worked with Complainant [redacted] for approximately four years. They are co-workers and have no association outside of work. Witness [redacted] stated he had a good working relationship with Complainant [redacted] and never had reason to question her integrity.

As of March 4, 2017, Witness [redacted] worked various work assignments with Subject Mendoza over the past at MCJ. They got along with one another at work, but did not associate outside of work. They may have texted each other regarding work related issues, but those were rare occasions.

During his IAB interview, Witness [redacted] stated that on March 4, 2017, he was assigned as a PM prowler on the 3000 Floor. At the beginning of their shift, he was working inside the 3000 Floor Control Booth, along with Complainant [redacted] and Witness [redacted] when Subject Mendoza walked into the control booth and a conversation was initiated.

IAB NOTE: Witness [redacted] explained it was a busy time in their shift, and although he overheard the conversation, he was not listening to every detail of the conversation **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 6]**.



Based on the conversation he overheard, Witness [redacted] understood that both Subject Mendoza and Complainant [redacted] were inside the MCJ gymnasium together and Subject Mendoza exposed his genitals to Complainant [redacted] Witness [redacted] stated he initially believed the conversation to be a joke because Subject Mendoza and Complainant [redacted] chuckled about the incident. However, when Subject Mendoza stepped out of the control booth, Complainant [redacted] informed Witness [redacted] it was not a joke, and she was not comfortable with the incident. Complainant [redacted] appeared upset and did not want people talking about it.

Witness [redacted] asked Complainant [redacted] if she preferred he speak with Subject Mendoza about her feelings. Complainant [redacted] said, "Yes, can you please talk to him about it?" **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 8]**.

Witness [redacted] stated during his IAB interview he was not certain which body part Subject Mendoza exposed. Witness [redacted] agreed his memory of the incident was better during his interview with MCJ Sergeant Hernandez. Witness [redacted] confirmed his statements made in past interviews with MCJ Sergeant Hernandez and ICIB investigators were accurate.

IAB NOTE: During his initial witness statement, Witness [redacted] stated Subject Mendoza said, "I pulled my nuts out in the gym" and laughed about it. Refer to Incident Report File #017-00408-5100-130 **[EXHIBIT C, PAGE 20]**.

IAB NOTE: During Witness [redacted] ICIB interview, Witness [redacted] recalled that during the control booth conversation, he overheard Subject Mendoza say he exposed his "nuts." **[EXHIBIT C, PAGE 106]**.

On March 4, 2017, later during their shift, Witness [redacted] spoke with Subject Mendoza outside of MCJ. Witness [redacted] said the conversation with Subject Mendoza was short because he did not want to ask too many questions about what had happened between Subject Mendoza and Complainant [redacted] He informed Subject Mendoza that Complainant [redacted] felt uncomfortable about the situation and she would be more comfortable if he would stop talking about it. Witness [redacted] recalled Subject Mendoza seemed shocked they were having the conversation.

During Witness [redacted] initial witness statement, he also told MCJ Sergeant Hernandez that Subject Mendoza said Complainant [redacted] informed him (Subject Mendoza) she broke-up with her boyfriend and was working out to get in shape for Baker to Vegas. Complainant [redacted] pulled up her shirt and showed her abdominal muscles. Subject Mendoza told Witness [redacted] that he believed Complainant [redacted] was flirting with him during the workout, and he showed his "nuts." **[EXHIBIT C, PAGE 20]**.

IAB NOTE: Baker to Vegas is a law enforcement affiliated annual relay race starting from Baker, California to Las Vegas, Nevada.

Witness [redacted] stated it was clear from the conversation that took place inside the 3000 Floor Control Booth, Subject Mendoza said he showed his "nuts." Witness [redacted] stated during the control booth conversation, and the conversation with Subject Mendoza outside of MCJ, Subject Mendoza never said he was joking, or that the incident never happened.

Witness [redacted]

On January 30, 2018, IAB Sergeants Delicia Hernandez and Carmen Arballo interviewed **Witness [redacted]** On February 15, 2018, IAB Sergeant Delicia Hernandez conducted a second interview of Witness [redacted] The following is a summary of Witness [redacted] interviews:

Witness [redacted] worked with both Subject Mendoza and Complainant [redacted] at MCJ. Witness [redacted] considered Complainant [redacted] a friend after training with her for Baker to Vegas. He described her as talkative, and honest. Witness [redacted] worked with Subject Mendoza a handful of times, and conversed occasionally. Although he worked well with Subject Mendoza he was unable to provide any personal insight of his character.

On February 27, 2017, Witness [redacted] was driving into work and received a phone call from Complainant [redacted] Complainant [redacted] informed Witness [redacted] that while inside the gym, there was a conversation between her and Subject Mendoza. At some time, Subject Mendoza exposed his genitals to her while in the gym.

> **IAB NOTE:** Witness [redacted] stated he was having a difficult time remembering details of his conversation with Complainant [redacted] and referred to his statements made in his ICIB interview.

After reviewing his ICIB statements, Witness [redacted] recalled Complainant [redacted] informed him that while she was at the gym, Subject Mendoza pulled his shorts down and exposed his genitals to Complainant [redacted] Witness [redacted] did not recall asking Complainant [redacted] specific questions about the incident, but it was his personal belief Complainant [redacted] was bothered by the encounter with Subject Mendoza.

> **IAB NOTE:** Witness [redacted] believed the gym incident happened just before he received the call from Complainant [redacted]

On March 4, 2017, Witness [redacted] was assigned to the 3000 Floor as a prowler and was inside the control booth using the computer. Complainant [redacted] and Witness [redacted] were also inside the control booth when Subject Mendoza walked in. Witness [redacted] recalled Subject Mendoza spoke about the "incident in the gym" or said something along the lines of, "Oh [redacted] did you tell them what happened in the gym?" **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 8]**. Witness [redacted] assumed Subject Mendoza was referring to the incident in the gym when he exposed himself to Complainant [redacted]

IAB NOTE: Witness [redacted] stated Subject Mendoza did not specifically state he exposed himself in the gym, he only mentioned the gym incident.

Witness [redacted] stated Subject Mendoza was not specifically speaking to him, but made the comment to everyone inside the control booth. Witness [redacted] said, based on what Complainant [redacted] told him on the phone, and the fact Subject Mendoza brought up an incident inside the gym, Witness [redacted] believed something happened inside the gymnasium.

After Subject Mendoza made the comment inside the control booth, Witness [redacted] told Witness [redacted] he spoke with Subject Mendoza later that day, about the incident, and generically warned Subject Mendoza about his behavior.

Subject Patrick Mendoza

On January 31, 2018, IAB Sergeants Delicia Hernandez and Carmen Arballo interviewed **Subject Patrick Mendoza** [redacted] The following is a summary of Subject Mendoza's interview:

Subject Mendoza was assigned to Men's Central Jail in July of 2015. He completed his [redacted] on the 2000 Floor with Complainant [redacted] His [redacted] lasted approximately [redacted] After [redacted] Subject Mendoza transferred to day shift. Although he was assigned to a different shift than Complainant [redacted] he worked occasionally with her when assigned overtime on PM Shift.

IAB NOTE: Subject Mendoza estimated he worked six spots of overtime on PM shift monthly.

Subject Mendoza stated he did not have a personal relationship with Complainant [redacted] and they never exchanged personal cell phone numbers. Subject Mendoza described Complainant [redacted] as a dependable co-worker, and he had no issues with her.

Subject Mendoza was asked by IAB investigators if he went to the MCJ gymnasium on February 27, 2017, toward the end of his day shift. Subject Mendoza stated he did not. He was then asked if he was in the gymnasium anytime around February 27, 2017, with Complainant [redacted] Subject Mendoza said the only time he encountered Complainant [redacted] inside the gymnasium was on March 4, 2017. Subject Mendoza said he did not workout at the MCJ gymnasium on days when he was scheduled to work double shifts. Subject Mendoza was certain the only day he ever worked out between shifts was March 4, 2017.

On March 4, 2017, Subject Mendoza recalled he worked inside the 2000 Floor Control Booth on day shift, and his day was stressful. Subject Mendoza said this was the same day he spoke with Complainant [redacted] inside the MCJ gymnasium, and later, purchased food from McDonalds for everyone assigned to PMS on the 3000 Floor. Refer to Subject Mendoza's bank statements **[EXHIBIT D]**.

IAB NOTE: Subject Mendoza worked the 2000 Floor Control booth on day shift, and worked a PM overtime spot on both days, February 27, 2017, and March 4, 2017. Refer to Subject Mendoza's monthly schedule for February 2017 **[MISCELLANEOUS DOCUMENTS].**

IAB NOTE: During his IAB interview, Subject Mendoza asserted he did not work out at the MCJ gymnasium on February 27, 2017.

IAB NOTE: No closed circuit television (CCTV) video was available for the MCJ gymnasium.

Subject Mendoza stated on March 4, 2017, he left the 2000 Floor Control Booth at approximately 1330 hours to conduct a quick work out inside the gymnasium. Subject Mendoza did not recall who relieved him from his work location, but believed his relief was made by one of the 2000 Floor prowlers. Subject Mendoza went to the male locker room first, and changed out of his uniform and into work out attire. Subject Mendoza stated he wore a regular t-shirt, and black "LVFT" shorts, which are similar to basketball shorts. Subject Mendoza said he was inside the gymnasium, working on the lateral pull down weight machine when Complainant [redacted] first walked into the gymnasium.

IAB NOTE: Complainant [redacted] stated she arrived at the MCJ gymnasium at approximately 1300 hours, and Subject Mendoza was already inside the gymnasium working out.

Subject Mendoza explained he told Complainant [redacted] he had never seen her in the gym before. Complainant [redacted] informed Subject Mendoza she was getting ready for Baker to Vegas. Complainant [redacted] proceeded to lift up her shirt and showed Subject Mendoza her abdomen. Subject Mendoza stated he complimented her and said, "That looks good. Keep it up." **[SUBJECT MENDOZA'S IAB TRANSCRIPT, PAGE 13]**.

Shortly after, Subject Mendoza was standing in front of the declined sit-up bench when he called out to Complainant [redacted] (by name) to get her attention. Subject Mendoza told Complainant [redacted] that he was working on his "abs" too. Subject Mendoza simultaneously lifted up his shirt and exposed his abdomen to Complainant [redacted] as a joke. Subject Mendoza stated he was trying to be funny and get a laugh out of Complainant [redacted] Subject Mendoza stated Complainant [redacted] smiled and laughed.

Subject Mendoza did not recall any other conversation with Complainant [redacted] while inside the gymnasium. Complainant [redacted] finished her workout, and after he completed his work out, he went to the locker room, showered and changed back into his uniform. Subject Mendoza stated he was at his PM work assignment at the beginning of his shift, which began at 1400 hours.

> **IAB NOTE:** The time frame provided by Subject Mendoza provided him with less than thirty minutes for his workout, and would have placed him inside the gymnasium after Complainant [redacted] arrived at the gym.

Subject Mendoza denied making any sexual comments to Complainant [redacted] Subject Mendoza stated he never made a comment about Complainant [redacted] body or her buttocks, or referred to her buttocks as "ass." He also did not state that he wanted to take her into the sauna to have sexual intercourse with her. Subject Mendoza was asked if he exposed his genitals to Complainant [redacted] He stated he did not, and he only exposed his abdomen as a joke.

Subject Mendoza stated that on March 4, 2017, he was assigned to work the 3000 Floor Control Booth. When he arrived to his work assignment, he mentioned to his co-workers, (Witnesses [redacted] and Complainant [redacted] he saw Complainant [redacted] inside the gym working out. Subject Mendoza did not recall how the subject was brought up in the conversation, but Complainant [redacted] agreed that she was inside the gymnasium and told Witnesses [redacted] and Powers Subject Mendoza "flashed" her in the gymnasium. Complainant [redacted] aughed about the incident **[SUBJECT MENDOZA'S IAB TRANSCRIPT, PAGE 26]**. Subject Mendoza could not recall how long the conversation was, or how the conversation ended.

Subject Mendoza vaguely recalled having a conversation later with Witness [redacted] on March 4, 2017, regarding the control booth conversation about Complainant [redacted] Subject Mendoza stated Witness [redacted] told him Complainant [redacted] "seemed" upset about the control booth conversation. Subject Mendoza stated Witness [redacted] never specified what exactly Complainant [redacted] was upset about, nor did he ask. Subject Mendoza assumed she was upset because he showed her his "gut". Subject Mendoza also stated he never asked Complainant [redacted] why she was upset. He believed he should just give her space and would talk with her at a later time.

Subject Mendoza believed Complainant [redacted] made the allegations about him because she was upset with him after a heated conversation took place toward the end of their shift, on March 4, 2017. The conversation took place inside the 3000 Floor Control booth, and both Subject Mendoza and Complainant [redacted] criticized the other about their morals. Subject Mendoza believed Witnesses [redacted] and [redacted] were present during the heated exchanged.

IAB NOTE: During their IAB interviews, Witnesses [redacted] and [redacted] did not recall any heated conversation between Subject Mendoza and Complainant [redacted] **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 19, WITNESS [redacted] IAB TRANSCRIPTS, PAGE 15]**.

IAB NOTE: Complainant [redacted] did not recall having a heated conversation with Subject Mendoza on March 4, 2017 **[COMPLAINANT [redacted] IAB TRANSCRIPTS, PAGE 35]**.

Subject Mendoza also stated that prior to this heated conversation, there were no problems between Complainant [redacted] and himself. Earlier in the shift, he purchased food from McDonalds for everyone on the 3000 Floor. Subject Mendoza stated he purchased a McDonald's chicken sandwich and a "Shamrock Shake" for Complainant [redacted] and when he delivered her food she thanked him with a hug.

IAB NOTE: During her second IAB interview, Complainant [redacted] stated Subject Mendoza ordered food for everyone. She did not recall if she ordered a "Shamrock Shake" and she could not recall if she thanked him with a hug **[COMPLAINANT [redacted] IAB TRANSCRIPTS, PAGE 33-34]**.

IAB NOTE: Witness [redacted] recalled Subject Mendoza purchasing food for everyone but did not recall if Complainant [redacted] ate **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 14]**. Witness [redacted] did not recall Subject Mendoza purchasing food **[WITNESS [redacted] IAB TRANSCRIPTS, PAGE 18]**.

IAB NOTE: On March 14, 2018, IAB Sergeant Delicia Hernandez attempted to obtain video of the 3000 Floor Control Booth area for March 4, 2017, from the CCTV, but video for that day had been purged.

ADDITIONAL INFORMATION:

The Justice System Integrity Division of the Los Angeles City Attorney's Office reviewed the allegations made by Complainant [redacted] against Subject Mendoza. On July 24, 2017, the Deputy City Attorney, Howard Gluck, declined to file any charges, citing the victim (Complainant [redacted] was not desirous of prosecution, and he recommended the incident be handled administratively **[EXHIBIT C, PAGE 10B]**.



OFFICE OF THE SHERIFF



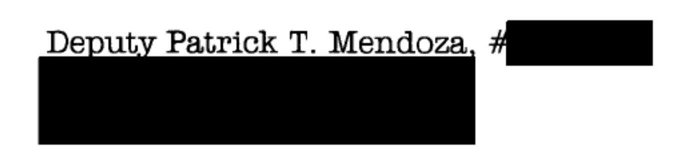
COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

June 21, 2018

Deputy Patrick T. Mendoza, #[redacted]



[redacted]

Dear Deputy Mendoza:

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business on July 17, 2018.

An investigation under IAB File Number IV2422993, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of Department Manual of Policy and Procedures Sections 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others (Based on Sex); and/or 3-01/121.15, Policy of Equality – Sexual Harassment, between February 27, 2017 and March 6, 2017, while on duty and assigned to Men's Central Jail, you failed to conduct yourself in a manner consistent with the Department's Core Values, when you made rude and disparaging comments, and/or engaged in conduct that would be reasonably considered inappropriate for the workplace, and/or conduct that would tend to add to a hostile, and/or intimidating, and/or offensive, and/or abusive work environment, as evidenced by, but not limited to the following:

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service

— Since 1850 —

a. telling Deputy [redacted] "Hey [redacted] wow, your ass looks great in those pants. I've never seen you out of uniform. Your ass looks great," and/or words to that effect; and/or,

b. telling Deputy [redacted] Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass," and/or, "Maybe I should take you into the sauna and bend you over and fuck you in your ass," and/or words to that effect; and/or,

c. pulling your shorts below your genitals and showing your exposed penis and testicles to Deputy [redacted] while on duty; and/or,

d. telling co-workers, in the presence of Deputy [redacted] while on duty, "I showed her my nuts," and/or words to that effect.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Inappropriate/Disorderly Conduct, on or about February 27, 2017, you failed to maintain a level of moral conduct in keeping with the highest standards of law enforcement personnel, and/or engaged in behavior which caused the Department to be brought into disrepute, and/or demonstrated a pattern of undesirable and/or unprofessional behavior, as evidenced by, but not limited to the following:

   a. pulling your shorts below your genitals and showing your exposed penis and testicles to Deputy [redacted] while on duty and having your actions presented to the Los Angeles City Attorney for possible criminal prosecution under California Penal Code 314.

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, Dishonesty/False Statements; and/or 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During

Departmental Internal Investigations, on or about January 31, 2018, while on duty and participating in an administrative investigation interview, you made false and dishonest statements, as evidenced by, but not limited to the following:

a. saying you showed Deputy [redacted] your "gut," when asked if you had shown Deputy [redacted] your exposed genitals; and/or,

b. denying you told co-workers, in the presence of Deputy [redacted] while on duty, "I showed her my nuts," and/or words to that effect; and/or,

c. stating, "No", when directly asked if you told Deputy [redacted] "Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass," and/or, "Maybe I should take you into the sauna and bend you over and fuck you in your ass," and/or words to that effect.

4. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains Men's Central Jail Unit Order Number 3-05-084, on or about February 27, 2017, you failed to perform to the standards established for your rank of Deputy Sheriff and/or failed to perform your duties in a manner which established and maintained the highest standard of efficiency in carrying out the functions and objectives of the Department, when you used the Men's Central Jail gym to conduct physical training while on duty.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Joanne Sharp, on July 17, 2018, at 1400 hours, in her office,

which is located at 450 Bauchet Street, Room #826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to July 17, 2018, for your oral response, please call Chief Sharp's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Sharp's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Sharp's office no later than July 17, 2018.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave, which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

JSW:VG:vg
(Professional Standards and Training Division – Internal Affairs Bureau)

IAB FILE NO. IV2422993

Attachments

c: Joanne Sharp, Chief, Custody Services Division – General Population
Nicole Brown, Departmental Employee Relations Representative, Employee Relations Unit
Virginia Gamboa, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit

LOS ANGELES CITY ATTORNEY COMPLAINT SCREENING WORKSHEET

	Further investigation is requested	C.A.CASE NO./COURT CASE NO. R7CJ29068/	DATE 07/24/2017
	Prosecution declined in lieu of Prob Viol		
	City Attorney Hearing	POLICE CASE NO. (DR OR OTHER NO.)	C.A. BRANCH NAME Central Trials
X	Prosecution declined		

SUSP NO.	SUSPECT NAME (LAST-FIRST-MIDDLE)	BOOKING NO	CHARGES CODE	SECTION	REASON CODE
1	Mendoza, Patrick		P	P314-1	D
2					
3					

DOJ REASON CODES - FOR USE ON THIS FORM AND JUS-8715

A. Lack of Corpus
B. Lack of Sufficient Evidence
C. Inadmissible Search & Seizure
D. Victim Unavailable/Declines to Testify
E Witness Unavailable/Declines to Testify
F Combined with Other Count/Cases
G Interest of Justice
H Other - Indicate the Reason in "Description" Section
I. Referred to non-California jurisdiction
J. Deferred for Revocation of Parole
K Further Investigation
L. Prosecutor Prefiling Deferral
REASON CODES NOT FOR USE ON 5.9
M. Prosecution declined in lieu of Probation Violation
N. City Attorney Hearing

10B

DESCRIPTION

This is a case presented by LASD's Internal Criminal Investigations Bureau. The allegation is that Susp Mendoza, a deputy sheriff, exposed himself to V, also a deputy sheriff on 2/27/17 at the Men's Central Jail gym. The incident came to light to supervisors when V reluctantly reported it to her Sgt. on March 6, 2017, a week later. There is no prior personal history outside of normal work on the Department. V entered the gym on the day in question. Susp. was the only other person in the gym when she entered. During her workout, Susp. said that V had "a nice ass." Susp. then said., "maybe I should take you in the sauna and fuck you in the ass." V said she was uncomfortable and didn't know how to react so she gave a nervous laugh. Susp. called V by name and she looked at him whereupon he pulled down his shorts, exposing his penis and testicles for one to two seconds. V said, "Hey, I don't want to see that," expedited her workout and left. V thought of reporting the incident for several days but feared that she would be viewed negatively by co-workers for "jeopardizing" Susp.'s job. She was also upset that she was the subject of gossip and accused of flirting and provoking the incident. She also seemed more troubled by the above and Susp. bringing up the incident in a discussion with others than the indecent exposure, itself. It is unclear if this was done by Susp. for sexual gratification while hitting on V or because he wanted to make her feel uncomfortable because she rebuffed his advances. Either are a violation of the law. Susp. says that V was flirting with him which V denies. She did look at her abs in the mirror and it is common for people who work out to look at their improved muscle tone. That's one of the reasons why there are mirrors in the gym. V's delay in reporting also makes it look like she was "covering herself." Not everyone can appreciate that V was caught between a rock and a hard place. If she reports it, she's a "snitch". If she doesn't report it, she is a "loose woman." All she really wants is to be left alone. Not everyone would understand the above truth. Prosecution is declined. V is not desirous of prosecution. Best handled administratively. URN# 017004085100130 File Number # 917000122003441

Robert Cha *Supervising Attorney, Central Trials Division*	COMPLAINT DEPUTY (Print)	COMPLAINT DEPUTY (Signature)	REVIEWING DEPUTY
Asst. Supervising Attorney, Central Trials Division	HOWARD B. GLUCK	[signature]	

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following: The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form, or other evidentiary reasons necessitate further review. Filing Officer: ______________



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

November 4, 2022

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **PATRICK MENDOZA** for a hearing on his **discharge**, effective July 31, 2018, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 18-156**.

The Civil Service Commission, at its meeting held on October 5, 2022, approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Duran dissented. Commissioner Segal was absent.

Since a copy of these findings have already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Craig M. Hoetger
Executive Director

Enclosure

c: Patrick Mendoza
Sherry Lawrence
Armineh Megrabyan
Jerry Ellner

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective July 31, 2018, from the position of Deputy Sheriff, Sheriff's Department, of* **PATRICK MENDOZA** **(Case No. 18-156)**	))))))))	ORDER OF THE CIVIL SERVICE COMMISSION

On October 5, 2022, after having read the record, the Civil Service Commission of the County of Los Angeles overruled the petitioner's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Jerry Ellner, to sustain the department. Commissioner Duran dissented. Commissioner Segal was absent.

Dated this 4th day of November, 2022.

JOHN DONNER, President

Dissented — PERCY DURAN III, Member

EMILIA CANTARERO HUNTLEY, Member

Absent
HEIDI SEGAL, Member

DICKRAN TEVRIZIAN, Member



LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

RECEIVED
By KNatividad at 11:47 am, Jul 06, 2021

Jerry Ellner
Hearing Officer

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

PATRICK T. MENDOZA, # 546539 Appellant, vs. LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, Respondent.	CIVIL SERVICE CASE No: 18-156 DISCUSSION, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION.

I. INTRODUCTION

On June 21, 2018, Patrick Mendoza, (Appellant) Deputy Sheriff, Sheriff's Department, was served with Notice of Intent to Discharge (*Skelly* Notice). The Notice alleged four violations of the Department's Manual of Policy and Procedures as the basis for the proposed discharge. Those policy and procedures violations are set forth as follows:

1. Sections 3-01/121.30-Policy of Equality, Inappropriate Conduct toward Others, 3-01/121.15-Sexual Harassment.
2. Sections 3/01/030.05-General behavior, 3-01/030.06-Inappropriate Conduct.
3. Sections 3/01/040.70-Dishonesty/False Statements, 3.01/040.75-Makeing False Statements.
4. Section 3-01/030.10- Obedience to Laws, Regulations and Orders.

II. PROCEDURAL MATTERS

Mr. Mendoza was served with all materials upon which the proposed action was based and was informed of his right to respond at a *Skelly* hearing to be held on July 25, 2018. The Appellant appeared at the hearing with his two representatives, Sherry Lawrence and Maurice Sinfley. The department was represented by Chief Joanne Sharp, Sergeant Oscar Martinez, Sergeant Michelle Emeneger, and Lieutenant Tri T. Hoang. After presenting his responses to the charges, it was determined that the recommended discharge was appropriate and the Appellant was terminated from his employment of Deputy Sheriff, effective as of the close of business on July 31, 2018. Mr. Mendoza

exercised his right of appeal and hearings before your hearing officer were conducted in person on January 27, 2020, January 28, 2020, and in virtual format on February 24, and February 26, 2021. The department was represented by Ms. Armineh Megrabyan, Esq., and Mr. Mendoza was represented by Ms. Sherry Lawrence, Esq.

As defined by the Civil Service Commission, the issues for our consideration are as follows:

- Are the allegations contained in the department's letter of July 31, 2018, true?
- If any or all are true, is the discipline appropriate?

III. BASIS FOR THE DISCHARGE

There were two separate incidents that form the factual basis of the complaint by Deputy [redacted] According to [redacted] when she arrived at the MCJ gymnasium to work out on February 27, 2017, Patrick Mendoza was already present and when he saw [redacted] he commented, "Hey [redacted] Wow, your ass looks great in those pants." She ignored his comment and began her exercise session. While working out with her headphones on and listening to music, she observed that he was speaking to her. When she removed the headphones, Mendoza said to her, "Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass." Shortly thereafter, Mendoza pulled down his basketball shorts below his genitals and exposed himself to [redacted] She immediately turned away and told Mendoza she did not want to see that.

[redacted] stated the situation made her uncomfortable. She was shocked and offended and considered filing a complaint. However, she was hesitant to do so for fear of being called a "rat." She confided the facts of the incident to a co-worker, Deputy [redacted] and they discussed her options of reporting the incident.

The second incident occurred on March 4, 2017. Deputies [redacted] and Mendoza were all assigned to the 3000 Control Booth on the PM shift. Mendoza himself, brought up the MCJ gym incident and prompted [redacted] to tell them what happened. When she declined, Mendoza then stated, "I showed her my nuts." Later, [redacted] told [redacted] what had happened and [redacted] stated he would discuss the matter with Mendoza. However, when she was approached by other deputies a day or two later and was asked what had happened at the gym, it seemed that he was spreading false rumors about her, and she then decided to report the matter to Sergeant Lisa Diaz.

Mendoza was interviewed on January 31, 2018, and he denied going to the MCJ gym on February 27, 2017, certain that he had been there on March 4, 2017. He also denied the statements that he was alleged to have made in the MCJ gym and in the control room and that he had exposed himself. His last two performance

evaluations were described as both [redacted] and [redacted] and his history of employment shows no prior discipline.

IV. OPENING STATEMENTS

By the Department:

Deputy Mendoza has consistently failed to take responsibility for his actions. He even manages to shift the blame upon the victim, Deputy [redacted] by accusing her of flirting with him in the gym. He also denied showing her his genitals claiming that he was only showing off his abs. During the investigation by Internal Affairs, he continued to make false statements regarding his conduct at the gym and the evidence will show that Deputy Mendoza is unfit to serve as a member of the Sheriff's Department and the discharge should be sustained.

By the Appellant:

Deputy Mendoza has no history of ever behaving in this manner and there have never been any prior complaints filed against him. Deputy [redacted] has a reputation for promiscuity in the department and she was embarrassed by people talking about her and wanted to turn her reputation around. There were no witnesses to the alleged incident in the gym and this is a matter of her word against his.

V. WITNESS TESTIMONY

By the Department:

The department's first witness was former Chief Joanne "Jodi" Sharp. Now retired, Ms. Sharp was Chief of the Custody Division during her employment with the department and oversaw inmate reception at the Men's Central Jail. During her time as chief, she oversaw numerous disciplinary cases, including sexual harassment cases and served as the decision-maker on the Mendoza matter. In arriving at the decision to terminate his employment with the department, she considered the totality of the facts of the case. She reviewed the interviews of Mendoza, listened to the audios, examined his performance evaluations and anything else that was pertinent.

[redacted] was also interviewed, and she was hesitant about testifying against Mendoza. She had no biases against him although she believed that Mendoza was spreading rumors about her. During her interview, [redacted] statements were consistent, and she was credible. Her supervisors considered her to be a hard worker and contrary to Appellant's allegations, she did not have a reputation for being promiscuous.

All the witnesses who were interviewed stated that when Mendoza entered the control room, he made mention of the gym incident and they heard him say "nuts." In contrast, Mendoza claims that [redacted] showed him her

abs and he, in turn, showed her his gut. He also claimed that she had been flirting with him. The other witnesses that were in the control room at the time were consistent in their statements and were credible. Shortly after the incident, [redacted] called her friend, Deputy [redacted] to consult with him about the incident. Her complaint, which was made soon after the occurrence, substantiates its truth. In conclusion, Mendoza created a hostile work environment, his timeline was inconsistent with the facts, and he left his post to go to the gym to work out---a violation of policy.

In reaching her decision to recommend the discharge, she considered the following circumstances:

1. He was untruthful about the incident.
2. He showed poor judgment.
3. He exposed himself to her.
4. He left his post.

Next to be called was <u>Investigator Delicia Hernandez.</u> In 2018, she was employed as an investigator in the Internal Affairs Unit and has investigated over thirty cases of possible violations of the department's Policy of Equality. After completing her investigation, she concluded that both [redacted] and the witnesses were credible.

<u>Deputy</u> [redacted] testified that he knows Deputy [redacted] and considers her to be a friend. Immediately after the gym incident, [redacted] called him and told him what had happened. She didn't know whether she should report it and she was in shock and disbelief. A few days later, while they were all in the Control Room, Mendoza stated that he "showed his nuts" to [redacted] in the gym.

On cross-examination, the witness conceded that he did not recall Mendoza saying that he exposed himself in the gym and it did not appear to him that [redacted] was concerned that Mendoza would be spreading rumors about her.

<u>Deputy</u> [redacted] recalled that in March 2017, he, Mendoza, [redacted] and [redacted] were all working in the control room. None of them appeared to be uncomfortable but he did hear Mendoza make a comment about "nuts." [redacted] later told him she felt uncomfortable and embarrassed by his comments and wanted it to stop. He spoke with Mendoza about it later that day and Mendoza appeared shocked because he claimed that she had flirted with him.

When questioned on cross-examination he acknowledged that he and Mendoza were friends and occasionally socialized outside of work. He has never known Mendoza to engage in any form of sexual misconduct.

The Department rested:

By the Appellant:

<u>Kaeylyn Phillips,</u> a free-lance producer testified on behalf of Mendoza, describing him as a man with a strong

work ethic. He has worked security on tv shows and is always respectful and polite.

Randall Thoma, a deputy sheriff with the department, has known Mendoza since 2012, both having worked at MLK hospital. He has never heard any complaints from women about him and knows him to be a man of good character.

[redacted] is the owner of a security company and has employed Mr. Mendoza to work for him. He is always polite and very reliable. He has never known him to be inappropriate with anyone and is always respectful.

Deputy Kristina Marie Shultz has known Mendoza since 2015, and describes him as very polite, a hard worker and never dishonest. She believes he would never engage in misconduct with a woman. Deputy [redacted] however, has had photos taken of her in bathing suits and workout clothes although she doesn't know her to be dishonest.

Deputy Michael Coberg knows Mendoza and had warned him to stay away from deputy [redacted] as far back as 2016, because she was dating other deputies and could be a "drama."

Mendoza had raised funds for him after he had suffered injuries in a motorcycle accident, and he has always been treated with great respect by Mendoza. He doesn't believe the allegations against him.

Deputy Steven Goodwin first met Mendoza at church, and both played in the church band. A friend showed him a video of [redacted] at a hotel during the Baker to Vegas Run. She and another female were dressed in bikinis and were shaking their butts. He doesn't believe that Patrick would do anything inappropriate with a woman.

Sergeant Michael P. Larson has known Mendoza for over twenty years. He first met him at church, and they became friends. He mentored Mendoza and encouraged him to become a deputy sheriff. He is familiar with the allegations, and they do not comport with what he knows about Mendoza. He also knows Deputies [redacted] and Alerich and does not doubt their honesty and veracity.

Deputy Osvaldo Enriquez considers Mendoza to be a hard worker who would never be inappropriate with women. He also knows [redacted] who had some "issues" with a drill instructor. There were rumors about her having posted videos on social media. She had mentioned to him that she was dating several deputies all at the same time.

Deputy Manual Enriquez has known Mendoza for over five years and considers him a hard worker. He knows the allegations but does not believe they comport with the character of Patrick Mendoza. He believes that [redacted] is dishonest because she asked someone to sign her in on the time sheet, but she never came to work.

Sergeant Funches had a discussion with [redacted] in his office about her dating a subordinate employee and not reporting it as is required by policy. During that meeting she became explosive and yelled at the sergeant. This

caused him to write a disciplinary memo about her.

Patrick Mendoza testified in his own behalf. He has been with the department as a deputy since 2015. Following his graduation from the academy, he was assigned to Men's Central Jail as a custody training officer. [redacted]

On February 27, 2017, he was working a double shift from 6:00 a.m. to 10:00 p.m. and he also worked a double shift on March 4, 2017.[1] Mendoza states that on March 4, 2017, he went to the gym to work out thirty minutes before the end of his shift and admits that he was paid for that thirty minutes of his time. [redacted] was at the gym, and she was training for the Baker to Vegas run. She lifted her shirt to show her abs and he complemented her. He thought it would be funny to show her his abs, so he lifted his shirt only to reveal that he had a gut. He denies that he exposed his genitals to her and denies ever telling her that he would like to "fuck her in the ass in the sauna."

Later that day in the control booth, according to Mendoza, [redacted] announced in the presence of the others that he had "flashed" her, so he jokingly agreed but he didn't think anyone believed that he had exposed himself to her and he denies that he was spreading rumors about her.

On cross-examination, Mendoza freely acknowledged that he had left his post thirty minutes before the end of his shift in order to work out at the gym and he was paid his regular salary for that time. He understands that this might constitute time fraud. He also admits to having sent text messages to other deputies (Dept exhibit 41) inviting them to join him at a "tittie club;" also known as a Gentlemen's Club where topless women parade around.

[redacted]

VI. CLOSING STATEMENTS

By the Department:

Petitioner has a history of dishonesty and poor judgment. He has admitted to engaging in timecard fraud on the day he went to the gym and had the incident with Deputy [redacted] He left his post for thirty minutes to exercise and later put on his time sheet that he had been working for that same thirty minutes.

---

[1] There is some disagreement as to the date of the occurrence of the incident in question. Ms. [redacted] believes it occurred on February 27th and Mr. Mendoza claims he was at the gym on March 4, 2017.

With respect to the gym incident, although [redacted] and Mendoza were at the gym alone, the testimony of Deputies [redacted] and [redacted] is essential in determining what happened there and in the control room.

We have Deputy [redacted] contacting Deputy [redacted] immediately after the gym incident to seek his advice and there is also the control room incident where Deputy [redacted] testified to hearing Mendoza state that he showed [redacted] his "nuts" at the gym. On the other hand, the Petitioner is not credible. He has admitted to having engaged in time fraud and even admits to having exposed his "gut" to [redacted] in the gym. Yet [redacted] maintains that Mendoza said "nuts" and not "gut."

Mendoza has a history of treating women disrespectfully. [redacted] He frequents gentlemen's clubs where the women who are employed there are degraded and objectified.

Initially, Deputy [redacted] was not going to report the incident and hoped that it would go away. She was concerned that she would be considered a "rat" if she did report it. However, Mendoza would not keep quiet about it and began telling others about the incident. It got to the point where [redacted] felt she had no other choice because her reputation with her co-workers was being sullied.

Mr. Mendoza has demonstrated a blatant disregard for those laws forbidding sexual harassment. He created a hostile work environment for Deputy [redacted] falsified his timecard and made false statements to the investigators during his interviews. The charges justify his discharge from the department.

By the Appellant:

Credibility is the central issue here. We have two radically different accounts of what took place at the Men's Central Gym. Deputy Mendoza has never wavered in his account of what took place when he saw Deputy [redacted] at the gym. On the other hand, Deputy [redacted] has given a different version of events to everyone she has spoken to.

When they were all in the control room, [redacted] announced to all those present that Mendoza had "flashed" her in the gym. Mendoza assumed she was joking and so he went along with the joke and responded by saying "yeah, I flashed her." Mendoza also maintains that he never discussed the matter afterward with anyone other than Deputy [redacted] who cautioned him to not bring it up again.

Deputy [redacted] gave a quite different account to the investigators of what had been said in the booth. She told them that Mendoza repeatedly urged her to tell the others what had happened at the gym. She eventually told

them that "Mendoza thought it would be cool if he showed me his dick and balls." However, when interviewed by Lieutenant Haynes, she told him that Mendoza announced that he had shown her his "nuts."

Throughout her testimony, Deputy [redacted] has shown herself to be quick-tempered, sarcastic, and unable to tolerate the slightest criticism. She testified under oath that no supervisor ever told her that it was inappropriate for her to date a subordinate employee without first reporting it. Sergeant Joseph Funches, however, testified that he spoke to her about exactly that. When he asked whether she had been dating someone within her chain of command without first reporting it, she flew into a rage, yelled at him, refused to answer his questions and slammed the door.

Although she was aware that the instant hearing was to begin on January 27, 2020, she nonetheless went to Hawaii on those dates. She also did not show up or call in for a shift she was assigned to, and she maintains that she wasn't aware that someone had signed the In-Service on her behalf.

Deputy [redacted] conduct in this matter clearly demonstrates both dishonesty and a willingness to jeopardize others to protect herself. There were nine witnesses that vouched for Deputy Mendoza's good character but not a single witness said the same about Deputy [redacted]

The department bears the burden of proving its case by a preponderance of the evidence and when the evidence is viewed in its totality, it is abundantly clear that the department has failed to meet its burden. Deputy [redacted] inability to take responsibility for her own actions has led to Deputy Mendoza losing his career, his home, his retirement and his reputation. The discharge is invalid, and he respectfully requests that the discipline be rescinded and that he be restored to full duty.

VII. DISCUSSION

In determining the truth of the matter, as in so many similar cases, we are faced with the problematic issue of one person's word against that of another person. The incident in question occurred at a gym that was devoid of any people other than the complainant, Ms. [redacted] and the Appellant, Mr. Mendoza. Ordinarily, we would have to rely solely on the apparent credibility, or lack thereof, of the parties. But in this case, we are aided by the credible testimony of Deputies [redacted] and [redacted] both of whom were in the control room when Deputy Mendoza egged Deputy [redacted] to tell them what happened at the gym. When she finally told them that he had flashed her, he responded by candidly admitting that he had flashed her and showed her his nuts. He later said that he was only joking when he made that statement.

Deputy [redacted] testified with some discomfort (no doubt unwilling to cause harm to his friend Mendoza)

that he heard Mendoza utter the word "nuts," while they were in the control room and Deputy [redacted] testified that immediately after the incident, [redacted] called him to relate what had happened in the gym and asked him for guidance. She was in a state of shock and disbelief. Later, when they were all together in the control room, Mendoza shamelessly announced to all that he "had shown her his nuts." These two men are seasoned deputies who understand the gravity and possible criminal implications of performing such an indecent act and would not have testified, under oath, against Mr. Mendoza, a friend and co-worker, had it not been true. There was no indication of possible bias in their testimony, and they appeared to be quite credible. Furthermore, the fact of Deputy [redacted] immediately discussing it with [redacted] after leaving the gym lends even more credibility to its occurrence due to its spontaneity.

Much has been made and said of Deputy [redacted] alleged promiscuity and short-temperedness in an effort to discredit her testimony. Videos of her dressed in a bikini at a swimming pool at a Las Vegas hotel and shaking her behind in the presence of a mixed group of people were introduced by the Appellant to support this claim of promiscuity. Her short-tempered meeting with a sergeant concerning her dating practices was also introduced into evidence for reasons that are unclear. But these allegations only serve to prove that a) she is not very modest and b) that she has a short fuse. It certainly doesn't prove that she was untruthful about the gym incident with Mendoza or that she is promiscuous.

During his time in the witness chair, Deputy Mendoza admitted to having shortcomings. He was frank about [redacted] He also admitted to having attended gentlemen's clubs, (or, as he calls them "tittie" clubs) a few times a year. His many witnesses (ten altogether) were all character witnesses who spoke very highly of him and were certain that he would never treat women in such an impolite and indecent manner. But the fact remains that they were not in the control room like [redacted] and [redacted] to overhear Mendoza's crude comments. As to the charge that he left his post, Mr. Mendoza admitted to that during his testimony.

Mr. Mendoza testified that because of these allegations he has lost his job and his house, and he and his family must now live with parents. He has managed to get a few jobs working security, but it is not enough to cover his expenses. [redacted] There is no doubt that this entire experience has been very painful and difficult for him, but it is an experience of his own making, and he must now suffer the consequences of his misconduct.

VIII. ARE THE ALLEGATIONS TRUE?

The evidence supporting the allegations against the Appellant is very damning. Deputy [redacted] was very straightforward in giving her account of the events at the gym. Although she may have been confused as to the correct date of the occurrence and the exact wording that Mendoza used, (did he refer to her buttocks as "butt" or "ass") is of no importance relative to what had taken place there. She is very credible in recounting how he told her that he "would like to take her in the sauna and fuck her in the ass." Moreover, we have the supporting; sworn testimony of Deputies [redacted] and [redacted] who overheard Mendoza's admission that he flashed [redacted] in the gym. There can be no doubt that the allegations are true, and the department has proved its case by a preponderance of the evidence.

IX. IF ANY OR ALL ARE TRUE, IS THE DISCIPLINE APPROPRIATE?

The county policy of progressive discipline requires that we consider any history of discipline with respect to the Appellant in sustaining or modifying the penalty. An examination of Mr. Mendoza's file indicates that he has performed well on his job and there are no adverse comments; therefore, the present allegations of misconduct would be his first.

The purpose of the policy is for it to serve as a remedial learning tool to correct inappropriate behavior. However, there are some acts of misconduct that are so egregious that they do not lend themselves to remediation. Acts that border on the criminality or are criminal in nature fall into that category and the proven allegations of this case, such as the exposure of male genitals to an indisposed female, preclude any consideration of a reduction in the penalty of a discharge. Acts of sexual hostility, inappropriate sexual conduct and sexual exhibition are far outside the scope of the policy of progressive discipline and are not capable of mitigation. I, therefore, find that the discharge of Patrick Mendoza from his position as deputy sheriff is appropriate and should be sustained.

X. FINDINGS OF FACT

Having considered all of the evidence, I make the following findings of fact:

1. On February 27, 2017, or March 4th and/or March 4, 2017, the Appellant, Patrick Mendoza was employed as a deputy sheriff with Los Angeles County Sheriff's Department.
2. On or about February 27th or March 4, 2017, the Appellant who was assigned to the Men's Central Jail, left his post thirty minutes early to work out in the MCJ gym.
3. Appellant was compensated with his regular pay for his thirty-minute absence from duty.

4. Deputy [redacted] came to the gym to work out following Appellant's arrival there.

5. Upon Deputy [redacted] arrival, Appellant said to her "Wow, your ass looks great in those pants."

6. After his initial comment Appellant told Deputy [redacted] "I'd like to take you in this sauna and fuck you in the ass."

7. Appellant then lowered his shorts to above the knees and exposed his genitals to Deputy [redacted]

8. Deputy [redacted] was shocked at Appellant's comments and acts and feared for her safety.

9. Deputy [redacted] promptly disclosed the nature of the comments to her friend, Deputy [redacted]

10. On or about February 27th or March 4th, 2017, when Deputies [redacted] [redacted] [redacted] and Mendoza were all situated in the 3000 control room, Deputy Mendoza announced to all present that he had "flashed" [redacted] and showed her his "nuts" while at the gym.

11. Deputy [redacted] and Deputy [redacted] testified that they heard Mendoza use the word "nuts" when referencing his actions at the gym.

12. Deputy [redacted] believed that Appellant was spreading false rumors about her to other deputies and so she filed a complaint against Mendoza pursuant to the Policy of Equality.

13. During the Internal Affairs investigation, Deputy Mendoza falsely claimed that he had only shown Deputy [redacted] his abs and denied that he flashed his genitals.

14. An Internal Affairs investigation concluded that the sexual hostility and inappropriate conduct allegations against Mendoza were true.

15. On June 21, 2018, Deputy Mendoza was served with a Letter of Intent to Discharge.

16. Deputy Mendoza attended a *Skelly* hearing on July 25, 2018, to respond to the allegations.

17. At the conclusion of the hearing the department determined that "there were no new facts presented that changed the Chief's original discipline of DISCHARGE."

18. On July 31, 2018, Deputy Mendoza was served with a Letter of Imposition by the department, which letter recommended his discharge from the department.

19. The Appellant exercised his right of appeal to the Civil Service Commission and hearings were conducted before your hearing officer on January 27 and January 28, 2020, and February 24 and February 26, 2021.

XI. CONCLUSIONS OF LAW

Based upon the foregoing facts, I make the following conclusions of law:

1. The allegation that the Appellant was in violation of the Department's Manual of Policy and Procedures Sections 3-01/121.30-Policy of Equality, Inappropriate Conduct Toward Others, 3-01/121.15-Sexual Harassment is found to be true.
2. The allegation that the Appellant was in violation of the Department's Manual of Policy and Procedures Sections 3-01/030.05-General Behavior, 3-01/030.06-Inappropriate Conduct is found to be true.
3. The allegation that the Appellant was in violation of the Department's Manual of Policy and Procedures Section 3-01/040.70, Dishonesty/False statements, 3-01/040.75 Making False Statements is found to be true.
4. The allegation that the Appellant was in violation of the Department's Manual of Policy and procedures Section 3-01/030.10-Obedience to Laws, regulations and orders is found to be true.

XII. RECOMMENDATION

It is unfortunate that the Appellant continues to refuse to accept blame for his shameful comments and actions even at this late stage. Instead, he has chosen to counterattack by impugning the reputation of the victim, Deputy [redacted] with claims that because she wears a bikini and shakes her behind at swimming pool parties, we must assume that she is promiscuous and is untruthful. That is an absurdity and only serves to justify the discharge. In conclusion, Patrick Mendoza has brought shame and disgrace upon himself and is unfit to serve as a deputy sheriff in this department. I, therefore, respectfully recommend that this honorable body adopt the recommendation of your hearing officer and sustain the discharge.

Dated: June 23, 2021

by
Jerry Ellner, Hearing Examiner

Mendoza Case No. 18-156

EXHIBITS

NO.	DOCUMENT	BS NUMBER	ADMITTED 1/27/20
1.	COVER SHEET	0001	✓
2.	OFFICE CORRESPONDENCE DATE 4-23-18 SUBJECT: PATRICK MENDOZA, #[redacted]	0002	✓
3.	SUBJECT AND REVIEW DATES	003-004	✓
4.	OFFICE CORRESPONDENCE SUBJECT- DISCIPLINARY ACTION DISCHARGE DATE: JULY 30, 2018	005	✓
5.	SUPERVISOR/TIMEKEEPING NOTIFICATION SHEET	006	✓
6.	LETTER OF IMPOSITION DATE JULY 31, 2018	007-0021	✓
7.	LETTER OF DISCHARGE SIGNED 07-31-18	0022	✓
8.	EMAIL CHAIN SUBJECT PATRICK MENDOZA IV 242993	0023	✓
9.	RECEIPT FOR CD RE ADMINISTRATIVE INVESTIGATION SIGNED 06-21-18	0024	✓
10.	LETTER OF INTENT	0025-0030	✓
11.	PANEL'S RECOMMENDATION DATE JUNE 26, 2018	0031-0032	✓
12.	OFFICE CORRESPONDENCE RE SUBJECT MENDOZA DISCHARGED DATE JUNE 19, 2018	0033-0040	✓
13.	TABLE OF CONTENTS	0041-0043	✓
14.	AUDIO/VIDEO TRACKING SHEET	0044-0045	✓
15.	PERSONNEL INVESTIGATION FORM	0046-0049	✓
16.	INVESTIGATIVE SUMMARY	0050-0062	✓

NO.	DOCUMENT	BS NUMBER	
17.	TRANSCRIPTIONS	0063	✓
18.	COMPLAINANT INTERVIEW	0064	✓
19.	COMPLAINANT [redacted]	0065-101	✓
20.	WITNESS INTERVIEW	0102	✓
21.	WITNESS [redacted]	0103-0119	✓
22.	WITNESS [redacted]	0120-140	✓
23.	SUBJECT INTERVIEW PATRICK MENDOZA	0141-0183	✓
24.	EXHIBIT A	0184-0190	✓
25.	EXHIBIT B	0191-0196	✓
26.	EXHIBIT C	0197-0233	✓
27.	EXHIBIT D	0234-0253	✓
28.	EXHIBIT E	0254-0289	✓
29.	EXHIBIT F	0290-0295	✓
30.	EXHIBIT G	0296-0314	✓
31.	EXHIBIT H	0315-0333	✓
32.	MISCELLANEOUS DOCUMENTS	0334-0369	✓
33.	RELIEVED OF DUTY DATE 03-06-17	0370	✓
34.	LASD RELIEVED OF STANDARD DUTY ADMONITION AND RECEIPT FOR SUBJECT [redacted]	0371	✓
35.	SUBJECT OF ADMINISTRATIVE INVESTIGATION NOTIFICATION DATED AUGUST 1, 2017	0372	✓

NO.	DOCUMENT	BS NUMBER
36.	MEN'S CENTRAL JAIL PM IN –SERVICES FOR FEBRUARY 27, 2017, AND MARCH 4, 2017	0373-0380 ✓
37.	FEBRUARY 2017 WORK SCHEDULE FOR SUBJECT PATRICK MENDOZA	0381 ✓
38.	ADMONISHMENT FORMS	0382-0386 ✓
39.	REQUEST FOR IAB INVESTIGATION AND/ OR CRIMINAL MONITOR FORM DATED MARCH 13, 2017	0387-0388 ✓
40.	POLICY AND PROCEDURES LISTED ON REQUEST FOR IAB INVESTIGATION	0389-0395 ✓

Civil Service Commission

Hearing for Deputy Patrick Mendoza

CSC No. 18-156

EXHIBITS		ADMITTED 1/27/20
A.	Emails Regarding Selection of Hearing Date	✓
B.	Department's Investigative Summary	✓
C.	I.A.B. Interview of [redacted] December 18, 2017	✓
D.	Policy of Equality Report/ Notification Form	✓
E.	I.C.I.B. Incident Report	✓
F.	Los Angeles City Attorney Complaint Screening Worksheet	✓
G.	Los Angeles County Sheriff's Department Incident Report	✓
H.	I.C.I.B. Interview of Sgt. Lisa Diaz	✓
I.	IAB Interview of [redacted] March 7, 2018	✓
J.	Policy of Equality Report/ Notification Form	✓
K.	Patrick Mendoza's Performance Evaluations	✓
L.	I.A.B. Interview of [redacted]	✓
M.	Deputy [redacted] I.A.B. Interview Transcript	✓



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

July 31, 2018

Date of Department Hire 06/10/2010

Deputy Patrick T. Mendoza, [redacted]

Dear Deputy Mendoza:

LETTER OF IMPOSITION

On June 21, 2018, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV2422993. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on July 31, 2018.

An investigation under IAB File Number IV2422993, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Department Manual of Policy and Procedures Sections 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others (Based on Sex); and/or 3-01/121.15, Policy of Equality – Sexual Harassment, between February 27, 2017 and

March 6, 2017, while on duty and assigned to Men's Central Jail, you failed to conduct yourself in a manner consistent with the Department's Core Values, when you made rude and disparaging comments, and/or engaged in conduct that would be reasonably considered inappropriate for the workplace, and/or conduct that would tend to add to a hostile, and/or intimidating, and/or offensive, and/or abusive work environment, as evidenced by, but not limited to the following:

a. telling Deputy [redacted] "Hey [redacted] wow, your ass looks great in those pants. I've never seen you out of uniform. Your ass looks great," and/or words to that effect; and/or,

b. telling Deputy [redacted] "Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass," and/or, "Maybe I should take you into the sauna and bend you over and fuck you in your ass," and/or words to that effect; and/or,

c. pulling your shorts below your genitals and showing your exposed penis and testicles to Deputy [redacted] while on duty; and/or,

d. telling co-workers, in the presence of Deputy [redacted] while on duty, "I showed her my nuts," and/or words to that effect.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Inappropriate/Disorderly Conduct, on or about February 27, 2017, you failed to maintain a level of moral conduct in keeping with the highest standards of law enforcement personnel, and/or engaged in behavior which caused the Department to be brought into disrepute, and/or demonstrated a pattern of undesirable and/or unprofessional behavior, as evidenced by, but not limited to the following:

a. pulling your shorts below your genitals and showing your exposed penis and testicles to Deputy [redacted] while on duty and having your actions presented to the Los Angeles City Attorney for possible criminal prosecution under California Penal Code 314.

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, Dishonesty/False Statements; and/or 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about January 31, 2018, while on duty and participating in an administrative investigation interview, you made false and dishonest statements, as evidenced by, but not limited to the following:

a. saying you showed Deputy [redacted] your "gut," when asked if you had shown Deputy [redacted] your exposed genitals; and/or,

b. denying you told co-workers, in the presence of Deputy [redacted] while on duty, "I showed her my nuts," and/or words to that effect; and/or,

c. stating, "No", when directly asked if you told Deputy [redacted] "Hey [redacted] I'd take you in here, in the sauna, and fuck you in your ass," and/or, "Maybe I should take you into the sauna and bend you over and fuck you in your ass," and/or words to that effect.

4. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains Men's Central Jail Unit Order Number 3-05-084, on or about February 27, 2017, you failed to perform to the standards established for your rank of Deputy Sheriff and/or failed to perform your duties in a manner which established and maintained the highest standard of efficiency in carrying out the functions and objectives of the Department, when you

used the Men's Central Jail gym to conduct physical training while on duty.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

If you have any questions, you may contact Patty Choe, of Internal Affairs Bureau, at [redacted]

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

JOANNE SHARP, CHIEF
CUSTODY SERVICES DIVISION – GENERAL POPULATION

JS:PC:pc
(Professional Standards and Training Division – Internal Affairs Bureau)

IAB FILE NO. IV2422993

Attachments

c: Joanne Sharp, Chief, Custody Services Division – General Population
Sergio A. Mancilla, Captain, Men's Central Jail/Unit Personnel File
Kimberly L. Unland, Captain, Personnel Administration Bureau
Doreen Garcia, Administrative Services Manager III, Pay, Leaves, and Records Units
Patty Choe, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit